WILMINGTON, N. C., AUGUST 2, 1866.

The Late Convention_Its Powers.

In a late number of the Journal, we stated tha we were opposed to the ratification of the new Constitution, among other reasons, because it had been proposed by the late Convention. We propose, to-day, to examine, at such length as our space will permit, the authority of the Convention to legislate for the people of North Carolina.

We are glad to see that this question is beginning to attract attention and to excite discussion. A more important one has never, at any time, been presented to any people. Sooner or later it must be judicially ascertained, for there are too many cases that will hinge upon it, to allow it to remain undecided. When it does come up squarely, we feel sure that it will receive that consideration which its importance and the well known character of our Court entitle us to expect.

We published last week a letter of Col. Allen, in reply to the letter addressed to a delegate of the late Convention, and it will give us pleasure to publish the opinions of other gentlemen of the bar. the positions laid down in the letter upon which letter and the President, and that, while he declines to say whether he thinks the President right in this particular, he prefers to yield the position | tion had no power to alter the Constitution, and he has assumed. We presume, therefore, that he certainly, if this be so, the ratification of the new does not intend to be understood as arguing the Constitution by the people at the ballot box, will question upon its merits. Indeed we have seen no argument sustaining the validity of the authority claimed by the Convention upon its merits.

Now, the old Constitution was legally in force the privilege of altering their fundamental law exor it was not. If it was, then the Convention cept by modes expressly laid down therein. The was extra-constitutional and illegitimate, not approval then of the amended Constitution, this having been brought into being under the sanction of the law-in a word, a bastard, and its so- the Courts. Too many and too great rights and called ordinances are of no binding force. Has interests are involved in this question to prevent the defect in its birth been cured? What tribunal has authority to cure such defects-to legitimate such offspring?

at one time the law of the land, and from the day of its adoption had been recognized as such, and Government, judicial, legislative and executive, both State and Federal. If it was in existence and republican in form, then clearly the 4th section of the 4th article of the Federal Constitution ed of all civil government, or in any way to interfere with it. Is it claimed that it was lost by forfeiture for treason, as though a corporation that had, upon a quo warranto, been ascertained judicially to have violated its charter? If our State was a corporation and the Constitution its charter, who granted it? who had the right of visitation? before what tribunal could the quo warranto be tried? who could bring it, and who would be the defendant in the case?

its corporate capacity, though its members may in our territory and arrogating to itself the right their individual capacities." Can a State, though of superceding all our civil officers and abrogating boro'. We have not a doubt but that he can be tion of Miss O. J. Ireland, of Duplin county, the not a corporation in law, commit treason? If it our laws? can, there would surely be some tribunal before which its guilt or innocence could be judicially constitutional body. If our Constitution needs determined : otherwise such treason could be committed with impunity, as legally no punishment people are freer and more independent to act as can be inflicted until the guilt is legally ascertain- their interests dictate; when their minds are uned. Where is the tribunal before which a State can be judicially arraigned for trial? Until such be shown, is it not fair to conclude there is no such offence as treason by a State known to the the representatives of the people chosen after a

on the principle that the conquest of a country since, we will make a Constitution for ourselves, and works the repeal of all its laws. Admitting for not another for us. the sake of the argument, that it may strictly be It is necessary for the people of the Eastern his fatal wound. We bespeak also for General the letter of the law, that a State "may be treated portion of the State, if they desire to defeat this Colston a reception suitable to the sacred objects as a conquered country," to use a common expres- instrument, to turn out in full force. In the West of the ladies, worthy the memory of the eminent ion, though Vattel does not regard the doctrine delegates to the late Convention are not only isas "countenanced by reason or conformable to suing stirring appeals to their constituents to rally humanity," was not the old Constitution restored, to the support of the new Constitution, but in except so far as it had been modified by the Con- many counties they are canvassing in favor of its be added to the love and veneration he has for sisting of speeches, dialogues, compositions, vovention at its first session under the direct author- adoption. No questions in reference to the powity and approval of the President, by the Peace ers of the Convention arise with them; no ana- feels for the loss of his gallant followers, to in-Proclamation, as it is called? In fact, previous lysis of the propriety or improvement of the proto the issuing of the Peace Proclamation, the posed amendments is made; all the other changes Convention had acted entirely upon the ground are ignored in consideration of the great object of that the Constitution was in full force and effect, that section of the State to change the basis of rep-

and laws were abolished, it is clear we must look | Each differ as to the amount of strength the proto the Conqueror for new ones, and whatever Government and laws we may have must have received vitality from him-if old ones should chance to be tions foot up, more enthusiastic because the adreordained, they are binding only because he wills vocacy of the new Constitution. We sincerely it and not because of any pre-existence. The Con- trust, therefore, that the apparent indifference to queror directed a certain class of individuals to this election is not real. That while no exciteselect men to meet in Raleigh, to prepare a form ment exists, the very silence of our people is inof government for the State, in conformity with dicative of their earnest determination to vote conditions prescribed by him, precedent to its against this new Constitution. We hope not only being made a part of the Federal Government, to see a unanimous but a full vote. Let every and in this view of the case it would not make any body vote Rejection. difference if the President had nominated the members of the Convention himself.

These men met in Raleigh and proceeded to action. Their acts were subject to the approval and reviin the next gubernatorial canvass to the present incumity in suspending our quarantine regulations? sal of the Conqueror and not to the people of bent, Gov. Worth.

individuals of equal honesty and equal intelligence. In this view of the case, all legislation all previous thereto which was not, either expressly or by necessary implication, approved. In no Progress, at Raleigh, et id omne genus. view of the case, have we as yet found ourselves able to point out the authority for the power claimed and exercised by the late so-called Convention. Our space forbids further remarks to-

The Election.

The people of the State will be called upon today and the two subsequent days, being Thurs day, Friday and Saturday, the 2d, 3d and 4th insts., to vote for the ratification or rejection of the new or amended Constitution. The usual apathy which has heretofore marked our people since the war in reference to elections, exists now. We are heartily glad that more attention is paid to the Colonel Allen does not, however, take issue with healthy restoration of our country than to unnecessary and unprofitable political dissentions. But he comments. He says the argument "is founded the election which begins to-morrow is one of purely upon the ground that the Convention was more than ordinary importance and soars constituted by the President in his military capa- above the usual political questions of the day .city and that the Constitution was legally in force We doubt if the people of North Carolina ever in the State and binding upon the people." As had to vote upon questions of more importance. an original proposition of law, he confesses frank- We are called upon to adopt a new fundamental ly he has not yet been able to see his way clearly law of questionable propriety and doubtful orienough to satisfy his own mind as to the latter gin. We have attempted in these columns to show part, and therefore ignoring the maxim, justicia both the want of power on the part of the Convenfat ruat colum, he directs his objections to the in- tion to alter the Constitution and the objectionaconvenience arising from that view of the case. ble features of many of the proposed amendments, As to the first part, his conclusion is, that there is and we are glad to have been assisted in our ofa difference of opinion between the writer of the forts by the publication of letters on the subject from some of the ablest men in the State.

We are firmly of the opinion that the Convennot cure any defect in the authority of that body. The people of North Carolina, by the Constitution now in force, have deprived themselves of week, by the people will transfer this matter to an early appeal from the decision of the people.

The citizens of North Carolina, if they desire their Constitution amended can effect it in a legal If the old Constitution was not legally in force, manner and by representatives of the whole peohow did it loose its vitality? It was confessedly ple, and should not vote to ratify one forced upon them by a self-constituted body elected by certain persons designated by the Government of the as republican in form, by every branch of the United States through Governor Holden. How can that deserving and large class of our citizens who were excluded from voting for delegates to the Convention be dragooned into the adoption of their work? How can those who saw their neighconferred no authority upon the President in the bors and friends, some of the best men in the premises-gave him no right to declare us depriv- State, excluded from voting sanction their ostracism by fixing on them a Constitution-an unalterable law-imposed on them by a body in which they were not heard and from which they were expressly excluded by irresponsible military power or its subordinate and servile instruments? How can the independent voter accept an instrument tendered to him under the name of a Constitution of North Carolina, which the people of North Carolina did not make, and which was made for them by men in the guise of our repre-But suppose it is a corporation in law. If we sentatives, who were not our representatives, but mistake not, Blackstone declares "a corporation those of a power exercising at the time the aucannot commit treason or felony or other crime in thority of a Congress in military possession of

No, let us scornfully reject this work of an unamending, let us at the proper time, when our disturbed by outside influences, and national troubles and terrors, let us elect men, under the modes specified by our Constitution, who will be free and full discussion of the amendments pro-But it may be claimed that the old Constitution posed to be made. In other words, in the lanceased to exist by virtue of the military conquest, guage of the able letter we published some days

> posed amendments will deprive the East and tude. transfer to the West, and the greater the calcula-

The "Progress" and the Governorship.

The Sentinel of this city, the Journal at Wilmington, and the American Eagle, at Louisburg, et id omne genus, have either directly or indirectly intimated that the Pro-

North Carolina, and in point of fact, they did The above is extracted from an article in the change their action in conformity to his express Raleigh Progress, in which the editors of that padirection. They declared, in effect, as we previ- per speak of the "hue and cry" against the Proously remarked, the old Constitution to be in opera- gress for its attempts to get out a candidate in option, and provided, by proper means, for the apposition to Governor Worth. So far as this paper pointment of officers thereunder, and having per- is concerned there is an evident mistake. We formed such other things as were required of published as a matter of news some days since them, adjourned temporarily. The proceedings and in justice to the gallant gentleman concerned, having been communicated to the Conqueror, he, that General Wm. R. Cox was spoken of by the when to him it seemed fit, approved them, and, Progress as a candidate for Governor, and treated by his public proclamation, gave official informa- the announcement as we did that of General Rantion of the same. Whereupon the old Constitu- som, as ill-advised at this time on account of its tion, except wherein its provisions had been mod- certain tendency to divide our people when all ified, became the law of North Carolina. The should be united. We knew the two distinguished Convention was then functus officio and all of its gentlemen whose names were used in this connection on file ten months ago. subsequent action invalid. In other words the tion, and felt confident that they did not desire

much as by his proclamation, he gave laws to the lished letter, taken the same ground in reference State, with which the authority claimed is utterly to this matter as held by this paper, and we doubt inconsistent. From thenceforth the so-called Con- not should General Cox feel called upon to write vention became an assemblage of private individ- a public letter, his position will be the same. We uals, unknown to the law, and their wishes and can say to our friends of the Progress that from views entitled to no more consideration and re- the long and intimate personal and political re- repay a careful perusal. Its author, a lawyer of spect than those of a like number of other private lations existing between these gentlemen and our-great ability, handles the subject with a master's selves, that when they place their names before the people of North Carolina for gubernatorial since the Proclamation, is of no avail, and probably honors, they will expect as honest, and possibly as to vote upon the question of the ratification of

The Wilmington Memorial Association_A Suggestion.

No one whose heart is not callous to every tender emotion can read the touching appeal we published yesterday from the President of the Memorial Association, without feeling a warm sympathy with the grateful purposes of the organization .-

approve of and desire to assist the ladies of Wilmington in the accomplishment of a work so grateful in its conception. Throughout our griefstricken country, the ladies have shown a tender regard for the graves of our fallen heroes not in-

To carry out the objects of the Association, means must be supplied and in amounts possibly greater than can be furnished by the private subscriptions of our citizens. The terrible ruin and left its mark upon our people. Their pecuniary President that a more worthy gentleman or useful citizen condition, added to the high prices of all the necessaries of life and the exhorbitant demands of the tax gatherer, will not permit them to respond fully to their feelings. So means must be adopted to appeal to those who are not thus situated—in other words, let the ladies inaugurate a series of entertainments that will interest not only those also, those callous to their success. This course

has been pursued with much success elsewhere. Recently in Raleigh, Mr. L. P. Wheat, the disinguished musician, who has performed with of Europe, at the request of the Memorial Association of that city gave one of his delightful concerts, assisted by some of the young ladies, with great success. Mr. Wheat is the youngest son of the Rev. Dr. Wheat, formerly of our University, but few of the graduates of the University, while Dr. Wheat was a Professor, who has not received at his hands or that of his accomplished family, many marks of kindness, especially if he was so unfortunate as to have been sick during his sosympathies are enlisted in the cause, and as the objects of his concerts carry him to the brilliant but bloody fields of Cold Harbor and Shiloh, his touch must grow light and his tone solemnly eloquent as he remembers the fate of two brothers whose careers in arms were as billiant as they were short. "Bury me on the field," exclaimed the gallant Major Wheat at Cold Harbor, as he fell, but not too early to see his gallant Louisianians carry the battery they had thrice charged.

We have no doubt Mr. Wheat would respond favorably to a similar invitation here, and we think we can safely promise him a warm reception by our citizens. His own merits would add strength to the appeal upon the sympathies of our

The ladies at other places have also invited led instructive entertainment, but have realized large amounts of money. It will be seen by a reference by a most descrating war, manifesting a sense of Colston intends to become a citizen of our State, taking charge of the Military Academy at Hills-October, to repeat in our city, for the benefit of the Memorial Association, his celebrated lecture on General Stonewall Jackson. He has delivered his lecture in Baltimore, Richmond, Petersburg and other points with much success, and we feel confident he would do so here. We know of no one who could better portray the life and character of General Jackson than General Colston. A Professor with him for several years at the Virginia Military Institute before the war, he was throughout the military career of the great Commander, one of his favorite and most trusty officers, rising to the command of a Division at the engagement at which General Jackson received soldier he honors, and one which his own merits deserve. A soldier himself, and frequently in command of North Carolina troops, there would the memory of his Commander, the sorrow he

Quarantine_Notice to Mariners.

We learn that the military quarantine station at this port has been discontinued. Mariners will do well to bear in mind that the city or local laws are not effected by this order, and that a certificate from Dr. R. S. Primrose, Port Surgeon, is still necessary to enter the harbor. Masters of vessels entering the port without such certificate incur a heavy penalty.—Newbern Commercial.

Why is it that at the same time that the military quarantine has been discontinued at the neighboring port of Newbern, that by order of the Military authority, the civil quarantine has been discontinued here? Can it be possible that General Sickles is punishing us because our people were justly indignant at his arbitrary exercise of author-Such total disregard of the wishes and welfare of the people; such puerile trifling in matters of se rious moment; such an evident want of purpose such prostitution of official position to personal ends is very properly bringing the agents of the Government into disrepute. It is not every officer of the United States Army who, either in his civil or military capacity, has now such an enviable reputation, that he can afford to entirely disregard

THE NATIONAL BANK IN NORTH CAROLINA .- The First National Bank of Wilmington, N. C., was organized yesterday with a capital \$100,000. This is the fourth National Bank organized in North Carolina. The application was

Wilmington Correspondence N. Y. Times, 27th inst.

The New Constitution.

In addition to our editorial upon the subject of the late Convention and the new Constitution, we desire to call the attention to the letter of "A Citizen" to be found in to-days paper.. It will hand. The questions treated are of the most se rious moment, and as we are called upon this week efficient, support from the Journal as from the the Constitution, our people cannot too seriously

> from the New York Herald the announcement of the par- ceptible degree, the reasoning by which its positions are don of the Hon. George Davis, of this city. Upon inquiry | fortified and sustained. we learned that the distinguised gentleman referred to day before yesterday. We are confident that all North ciple, honesty of purpose, lofty patriotism and eminent abilities, the intelligence of the pardon of the Attorney

Mr. Davis has shown by his faithfulness in discharge of ferior to the care they bestowed upon them in the his duties towards the Confederate Government, the best hospitals or the pride with which they watched and surest evidence of his worthiness to receive the Executive pardon, having taken the oath to support the Government of the United States. Even the Northern people are beginning to learn that those who were true o their section and State, in times of danger and necessity, are now the men who can be relied on when pure patriotism and manly courage are required. We congratudevastation which has swept over the South has late our distinguished fellow-citizen, and can assure the has never been the recipient of his clemency.

Some Beer .- During the Cass and Butler campaign we were presented with some Beets, which the donor named "Cass and Butler" Beets, and it turned out that those gentlemen were actually beaten. We have now to ecord the receipt of a Beet that cannot be beaten, and we name it a "Union" Beet. This Beet has come to hand labelled "Mrs. W. W. Faison, Duplin county, presented who feel a sympathy for their undertaking, but to A. L. Price." Now we cannot tell at this writing whether our "Union" Beet will be beaten or not. We must wait and see the result. It weighed just ten pounds and a half vesterday morning, and measured thirty inches in circumference, is of the flat species. It will require some marked success before many of the crown heads up a new cooking stove, it is possible the cook may be able to get it warmed through in the course of human and therefore that act, so sanctioned, must be regarded as events. We hope our present Beet is the omen of beating the Radicals of the present day-if we were not successful

Butler" Beet exceeded the present one, being just six deaux, on Rocky Point, in the year 1848.

friend Mr. Louis Froelich of Kenansville, for a present of most delicious grapes from his vineyard. The varieties sent us being the "Jona," "Rolender" and "Black Hamburg." From the specimens sent us, we are convinced journ at Chapel Hill, and all such well remember that the soil and climate of Duplin must be most congenlittle Leo, who is now grown, and has already dis- ial to the culture of the Grape, and Mr. Froelich certainly tinguished himself as a musician. Mr. Wheat's understands their cultivation. The Wine from this fruit must be very superior, as the "raw material" is most excellent. We look hopefully for the success of Wine mak-

> Beaufort, Carteret Co., July 25th, 1866. Messrs. Editors Wilmington Journal:—

I have just returned from Onslow, where I witnessed the examination of Miss Ireland's school, and so interesting and emulous were the exercises, I deem them not unimportant and ask for them a place in your most excellent paper. It is always pleasant to meet kind friends, especially after a considerable absence, but to meet them in the instruction of our youth, in the inculcation of those lessons and principles which in after life shall make us feel proud and confident as we intrust into their hands the destiny of our country, it is too little to say that that pleasure is doubly enhanced. turers, and have not only by this means furnished After four years prostration in which the wheels of science have been so effectually clogged, it is exhilarating to witness our people, impoverished to our advertising columns that General R. E. duty so important as that we had the pleasure and gratification to behold a few days ago. For several months in the quiet and pleasant neighborhood of prevailed on, before he enters on his duties in youths of that section have been imbibing at the Pierian fountain of knowledge. No display, no far-spread reputation unfurled its blazoned folds to a credulous and patronizing country, but confined to a single neighborhood worthy the proud emulation of the most honorable aspiration. patrons and friends, teacher and pupils vied with each other in the zealous performance of duty.readily and cheerfully gave the influence of their purpose.

Sensitive of the importance of the trust imstoring with useful wisdom, the pliant minds and hearts of Wolf-Pitt's promising youth. And the pupils with the kindest respect for their teacher. love for their parents, honor and credit to themselves, assidously and with untiring zeal, sought to please the one, honor and benefit the other .-After eight months on the 19th inst., we see assembled at their school to note its improvements, many of Onslow's fairest, wisest and best. Though the day was excessively warm, its unpleasant temperature was forgotten amid the absorbing interest of the occasion. The morning exercises concal and instrumental music with the usual textbook examination, lasted about noon, and was equal if not superior to any thing of the kind it has been my fortune to witness. The speech-

corresponding age. erous and noble hearted citizens, her beautiful daughters, possessing every virtue which could at-

May her rewards equal her merits. Lest I should weary your patience, Messrs. Editor, and seem to indulge in that which I hate above all other deceits, flattery, I will close my letter already twice as long as I intended. Yours very Respectfully,

T. W. S.

ALAMANCE. -Judge Fowle has just held a special Court of Oyer and Terminer at Graham, Alamance county. Two important cases were disposed of. In the case of Allen Foust, charged with assault

In the case of the State vs. Milton Isely, charged with rape: Verdict guilty; judgment, to be hanged on Friday, August 3rd It is thus that our civil Courts and Judiciary are

them that do well.—Raleigh Sentinel.

The Rejoinders of Mr. Allen and "The Old North State to the Letter which Appeared in the "Journal" of the 21st inst., on the Power and Auered and Discussed.

I am not surprised that the letter discussing the power and authority of the late Convention to alter or revise per of the 21st instant, has elicited much comment.-That letter has made a profound impression on the public mind, and the best evidence of its ability is the fact that son, in calling the Convention, exercised only the pothe able gentlemen who have published replies thereto of a conqueror, and his call was, therefore, legitima Hon. George Davis. Several days since we clipped have, it must be conceded, failed to weaken, in any per-

'The argument of the letter on the proposed change in had no official information concerning the matter and we | the basis of representation is, it must be admitted, admirefrained from making any reference to it. We are hap- rable. This position is fortunate enough to be approved to objections which, for the purposes of this argument py now to announce that Mr. Davis received his pardon by Mr. Allen. The Old North State does not attempt to meet it, contenting itself with a reference to its views on We take it for granted that our people universally Carolinians will receive the news with much gratification. that question heretofore expressed. Mr. Hanes is a good Throughout the South, by all who honor devotion to prin- strategist as well as an able writer, and recogizes the force any other Convention." This, after all is, "the milk in the of the old adage, "discretion is the better part of valor." Neither he, nor any other man can, upon general princi-General of the late Confederate States will be received ples, successfully answer the reasoning of the letter on the is not precisely the language of Mr. Hanes, but

But the letter deserves especial consideration as a profound constitutional argument; and it may not be amiss is on very good terms with himself, and I suppose the to restate the propositions therein submitted. They appear to me to be as follows

First. That the Convention was not a legitimate Convention, and had no power to make a new Constitution, or to alter or amend that which we had and have. Secondly. That as the Convention had no legitimate ex- during its last session, and for the greater part of its first

Thirdly. Admitting that the President of the United States had the power legitimately to call a Convention of the people of the State, still, as the Convention so called by him was limited to the consideration of certain subwas a limited and not an untimited Convention, and every attempt thereof to exercise powers not conferred upon it

The North State lays down the premiss: "If it was a intents and purposes." A more erroneous proposition than this, or one less logical could not be submitted to public consideration. It is clear to any capacity, that the Con- of those noble hearts to the object undertaken, will meet vention may have been valid for the purposes for which it was called, and without any authority to consider any thing whatever not embraced therein. The Convention of 1835 was limitted by act of the General Assembly to lect. the consideration of the subjects in said act specified .-Will Mr. Hanes pretend to say that if it had proceeded to consider subjects not specified in said act, its action would time to cook the vegetable, but as we have recently put have been binding? The words of Judge Gaston are precisely in point, to-wit; "Such a Convention as is proposed in the act of Assembly, and no other has been called; our power of attorney. If we transcend the limits, or reobedience to the conditions therein provided, we are not the Convention called by the people, but a sef-constited body. In that Convention the very question was moot-We find, by reference to our files, that our "Cass and ed, whether, if it should transcend its limits, its action could be rendered valid by the sanction of a popular ma- Dead, where loving hearts, and tender hands may place jority. The enquiry was not pursued, it was not necessaand one of its most popular Professors. There are | pounds more weight, and was grown by Mr. R. M. Bour- | ry to pursue it, for that body was too patriotic to arrogate to itself power not conferred upon it. But Judge Gaston the people could not render valid any such assumption of

> The late Convention was called by the Provisional Govton, that it was "sanctioned precisely as it was proposed. longer a "Convention called by the people, but a self-consion without parallel or precedent until the present term of Radical assumption of power in a dominant military of numerical majority, without respect for rights or the Contitution. As far as they safely can, and whenever they

> the proclamation of June 13th, 1865, the President pointed William W. Holden Provisional Governor of North the "loyal" people of the State, "for the purpose of the powers necessary and proper to enable such loyal peoits constitutional relations to the Federal Government. he State, but only to take such action as would restore Government." In the proclamation of the Provisional 'Peace Proclamation" of the President issued in April last, I think the State is declared to be "restored to her gates thereto had been elected, its authority was at an end, constituted body." Well may your correspondent, of 21st nst., ask, "How dove they, then, go on to frame a Constiwho elected them for other ends, and also on that large

Conscious of the power of knowledge, patrons mits, that the call of the Convention was valid for any posed in her, the teacher applied the persuasive and void. Let those who held that the acts of the Concharacteristic of her sex, to the exalting task of vention, beyond the scope of the power conferred on it, are valid, make known to the people "from what source

storation to the Union, have been conceded, or exacted, poor student of Constitutional history, who refers this action to any legitimate proceedings had under the funda-But whether the Convention was illegitimate in its conowers, the second proposition, in either view, is impreg-

valid any action of the Convention which had no legitimate basis, either from the fact that it was illegally called,

We know that our ladies will do all they can to es were all delivered, the dialogues were full of that the moment the State was restored to her "Constitutional relations to the Federal Government," the Constitutional relations to the Federal Government, "the Constitutional relations to the Federal Government," occomplish the sacred purpose of their organiza- attracting interest, while the compositions and tution of the State which was in being at and immediately vocal music I regard as unequalled by pupils of before the adoption of the ordinance of seccession, May and began their legislation by making amendance and began there to, and filling offices and ordering ments thereto, and filling offices and ordering elections thereunder, all of which had the direct elections thereunder, all of which had the direct are lative increase of taxation and new aspirants elections therefore and endorsement of the President.

About noon a recess of an nour or so was given, during which the company were invited to partake of the purpose, and he, it feels the confident, under the care of the H. Edward Follings, of the confident, under the care of the State, of the state of the state of the state of the state of the State, of the state of the 20th, 1861, except in so far as the same had been modified If there was a conquest, and by it Constitutions early expectation of the realization of served from neglect, but will frequently be adorned with the tear-bedewed garlands of love and gratitude.

The important features of the evening exercises continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which is fact in fact it for continued as a sen-constituted body, which in fact it for continued as a sen-constituted body, which is fact in fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body, which is fact it for continued as a sen-constituted body it for contin flected enviable credit on its author, both in the damental law, to a certain and precise mode of amending This is due to the energy of our planters, and the beauty of its composition and the manner it was spoken. The Dr. exhibited his usual marked ability on such occasions, and interested us all in a mendity of the mode of amending their fundamental law can amend it only in the mode so prescribed. This is the dochis clear, forcible and eloquent style of adtrine enunciated in the "second proposition, and is sustrained precisely to the letter," by the "Dorr case." The rable success, and so meritorious was each Constitution of Rhode Island being in full force, the peopart performed it would be invidious ple of that State called a Convention contrary to the provisions thereof, and sanctioned the Constitution adopted to make discrimination. Wolf-Pitt may well be proud of her promising youth, and with her gen-proud of her promising youth, and with her gen-promising youth youth youth by me. The Supreme Court of the United States held, as quoted by Mr. Hanes, that "the people of a State cannot by their own direct vote, abrogate or make a Constitution | that I must once more ask for them the attention tract the vision, allure the heart, or command the without the previous sanction of authority in power, unsoul from a basis whose magnificient superstructure der the existing Government." The Constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the American coal oils would constitute the constitution of North periments that the constitution of North periments the constitution of North periments that the constitution of North periments that the constitution of North periments the constitution of North periments that the constitution of North periments the constitution of Nort vention, wholly unauthorized thereby, proceeded to amend | vert water into steam at the rate of one pound or and revise the same, the people cannot, therefore, "by oil to thirteen of water, which is nearly double their own direct vote" render those amendments valid, the power of coal; but it was also found that because they want "the previous sanction of authority under the existing Government." The "Dorr case" is then would evaporate over eighteen pounds of water. precisely in point, sustains the proposition in every re-

applicable, as may be seen by any reader who will consult chapter 2d, entitled "Of the Parliament," vol. 1st, Black. om. No parallel can be drawn between the state of The doors of the furnace are never opened. things with us, and the state of affairs in England under stirring of fires, no burning out of plates. The Charles the 2d and William the 3rd. Blackstone says that space, weight and labor saved will make it an ecol each case, referred to by Mr. Haynes, worked a revolution with intent to commit a rape : Verdict, guilty ; in the government. The accession of William the third omy. As to the oil, that distilled from the shale utation, that he can afford to entirely disregard public opinion and the current history of the times.

Judgment, four months imprisonment, one hour in pillory, 39 lashes, 24th July, 39 in September, times.

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Judgment, four months imprisonment, one hour in pillory, 39 lashes, 24th July, 39 in September, as the best English. This matter is worth the attention of the government and of capitalists." even then, it was regarded as necessary to pass what is tention of the government and of capitalists. liament referred to. And "it was at that time a great doubt among the lawyers whether even this healing act made it a good Parliament." But the most complete answer to those references is to be found in the fact, that here there was no revolution, that the States still preservto become a terror to evil-doers, and a praise to ed their character as States, with their Constitution and borhood of Henderson, Granville Co., N. C., the laws in full force, and that, with us, the said Constitution drought has been very severe. assent of the Conqueror to their proceedings to do aught to jeopardize the true interests of the by the Bank of the State of North Carolina is being refitEborn, Washington; George Lauder, Fayetteville; J. D. law, in a mode at variance therewith and totally unauthorized thereby. and laws were in active existence, as admitted by Mr.

If I am correct in my positions thus far, then I submit that the views of Mr. Allen3 are thereby completely met Whether the President called the Convention by virtue of his military authority, or under the fourth article of the Constitution of the United States, which guarantees to thority of the late Convention, briefly Consid- each State a republican form of government, is all the same for the purposes of my argument; for the ques-

tion is not on this point by what power, or under what authority he called it, but whether the Convention exceeded the powers conferred on it in that call. That it did do this has been proved to a demonstration. ButIMr. Allen admits, that if the "Anti-secession ord nance, as it passed the Convention, is true," the proposithe Constitution of the State, which appeared in your pa- tion that the Convention was not legitimate, and had no power to make a Constitution "bas much force. the gist of Mr. Allen's argument is, that the "Anti-se

sion ordinance" is not true, and that, in fact, Mr. J. This is the argument analyzed. A sufficient answer the to, it needs no other, is the fact, that the President the Convention ignore the argument and, insist on very contrary, to wit : that the State was remitted to an rights under the Constitution and laws, the moment her Constitutional relations to the Federal Government were restored. There is no necessity then to attempt an answer must be regarded as definitely settled.

But says Mr. Hanes, "it," the Revised Constitution, gives the Western people all that they have any right to claim, and certainly as much as they will ever get from cocoa nut." The Western people get "all that they have any right to claim," and, therefore, they should vote for the Constitution per fas aut is, in fact, the analysis of his last paragraph His assurance that the Constitution " was made by competent authority," is an evidence, to say the least, that he question must henceforth be regarded as settled by the Western people, to whom the language is addressed. But his will not satisfy the consciences of men-each man ought to act and think for himself, according to the lights before him, with a due sense of his responsibility to God and his country. The whole action of the Convention. istence, its acts cannot be rendered valid by popular sanc- | was, in my opinion, a gross assumption, at variance with he fundamental law of the land, and subversive of the rights of the people as in that law set forth and declared He who votes to sustain that Convention because he approves of, or may be benefitted by its enactments, sells his birthright for "a mess of pottage;" sanctions the doc jects, it had authority to consider such subjects only; it trine, that an unauthorized body may change the fundamental law of the land at its more will and pleasure, and aids in forging fetters for himself and his posterity.

A CITIZEN

We cheerfully insert the following touching, soul-stirring APPEAL, in behalf of the object contemplated by the Ladies' Memorial Association of this city. The devotion with the warm approbation and support of all who desire to preserve the last resting places of our dead from neg-

The work which lies before the Association is no light ask. It is one which will require an expenditure of both time and money. As will be seen by the appeal, they not only propose to preserve the memory of those buried in our own Cemetery-sons of almost every Southern State but are actuated with a desire to remove the remains of those of Wilmington's sons, who sleep their last sleep upon the many battle fields of the South, and place them with in the hallowed precincts of our own beautiful City of the the victor's chaplet above the heads of those who preferred to die in the cause of freedom rather than submit

May their work of love prosper, and bring with it its own reward, is our earnest prayer

The "Ladies' Memorial Association of the City of Wilvent the ladies from engaging in this holy work-so in peratively demanded by every emotion of gratitude and ove-not the least of which was the impoverished state in which our people were left by the result of the late war. ies) they have resolved that their efforts shall never ceas until the grave of every Confederate soldier in Oakdal Cemetery is properly cared for, and placed in a condition constrained to appeal to those citizens of Wilming nish such pecuniary aid as will enable them to carry our respectfully and earnestly solicit contributions from thos All, all will be thankfully received, and faithfully appropriate

plied to the object contemplated. The record of the sons of the late war is who find a resing place among us, should not be forgo mortal remains were scattered like Autumn leaves on the rictorious battle fields of the South, and deposit them he beautiful receptacle, prepared by loving hands, Dakdale Cemetery, where each returning Spring will fine hem decked with Flora's fairest, richest offerings-per fumed with the rare incense of sighs exhaled from grate ul hearts, and bedewed with tears of sorrowing affe

the City Hall, to-day (Wednesday) at five o'clock st in the object contemplated are earnestly requested to of the Association, or handed to the Editors of the city papers, who will confer a favor by receiving and forward

g to the Treasurer any donations that may be presented MRS. J. E. OAKLEY, President of the "Ladies Memorial Association

I. O. O. F.—The Grand Lodge of Odd Fellows as been in session at Greensboro'. Deputy G. M. Edwards, of Lincolnton, presides. The Pa riot mentions the following new officers as having been elected, viz

Past Grand, Levi M. Scott, M. W. P. Master. Past Grand, John Wilson, Deputy Grand Mass

Past Grand, C. L. Parker, Grand Warden. Past Grand, James L. Gulick, Grand Secreta-

Past Grand Master, John Sloan, Grand Treas Col. W. J. Hoke, of Lincolnton, has been elec-

ted Grand Representative to the Grand Lodge of the United States for the next two years from this

Masonic.—At a regular Convocation of Charotte Chapter, No. 39, R. A. M., held on the evening of the 27th inst., the following Companions

COAL OIL FOR STEAM PURPOSES, -A London cor respondent of the New York Times says, in a let

"The experiments at Woolwich on the use of coal oils for steam engines are of such importance would evaporate over eighteen pounds of water. spect, and it is incomprehensible to me how Mr. Hanes, with his views, can say otherwise.

The historical references of Mr. Hanes are entirely inapplicable, as may be seen by any reader who will consult from moment to moment. He needs no stokers

from the late heat and drought. In the neigh

An appropriate song for a toper who is jus getting over the effects of whiskeyloddy, "Coming through the rye,"